



Entered on Docket
March 05, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

Andrew K. Alper, Esq.
California Bar No. 088876
FRANDZEL ROBINS BLOOM & CSATO, L.C.
6500 Wilshire Boulevard
Seventeenth Floor
Los Angeles, California 90048-4920
Telephone: (323) 852-1000
Facsimile: (323) 651-2577
E-mail: aalper@frandzel.com

Attorneys for Creditor
DAYCO FUNDING CORPORATION

Nile Leatham, Esq.
Nevada Bar No. 002838
Randolph L. Howard, Esq.
Nevada Bar No. 006688
KOLESAR & LEATHAM, CHTD.
3320 West Sahara Avenue, Suite 380
Las Vegas, Nevada 89102
Telephone: (702) 362-7800
Facsimile: (702) 362-9472
E-mail: rhoward@klnevada.com
nleatham@klnevada.com

Attorneys for Creditor
DAYCO FUNDING CORPORATION

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re
USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

CASE NO. BK-S-06-10725-LBR
Chapter 11

CASE NOS: BK-5-06-10726 LBR
CASE NOS: BK-5-06-10727 LBR
CASE NOS: BK-5-06-10728 LBR
CASE NOS: BK-5-06-10729 LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor,

CHAPTER 11
JOINTLY ADMINISTERED UNDER
CASE NO. BK-5-06-10725-LBR

In re:
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

Debtor,

**ORDER GRANTING DAYCO FUNDING
CORPORATION'S MOTION FOR
RELIEF FROM THE AUTOMATIC
STAY**

Date of Hearing: February 15, 2007
Time of Hearing: 9:30 a.m.

1 In re:

2 USA SECURITIES, LLC,

3 Debtor.

4 Affects:

- 5 ☐ All Debtors
 6 ☒ USA Commercial Mortgage Co.
 7 ☐ USA Securities, LLC
 8 ☐ USA Capital Realty Advisors, LLC
 9 ☐ USA Capital Diversified Trust Deed
 10 ☐ USA First Trust Deed Fund, LLC

11 **ORDER GRANTING DAYCO FUNDING CORPORATION'S**
 12 **MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

13 The Motion for Relief from the Automatic stay filed by Creditor DAYCO FUNDING
 14 CORPORATION ("Dayco") came on for hearing at the above date and time, the Honorable
 15 Linda B. Riegle presiding. Nile Leatham, Esq. of Kolesar & Leatham, Chtd. appeared on behalf
 16 of Dayco; Annette W. Jarvis, Esq. of Ray, Quinney & Nebeker P.C. appeared on behalf of
 17 Debtors; and Susan M. Freeman, Esq. of Lewis & Roca, LLP appeared on behalf of the Official
 18 Committee of Unsecured Creditors. The Court having reviewed all pertinent pleadings and papers
 19 on file herein, and good cause appearing,

20 IT IS HEREBY ORDERED that Dayco's Motion for Relief from the Automatic Stay is
 21 GRANTED and the automatic stay of Bankruptcy Code § 362(a) shall be vacated effective
 22 March 1, 2007, to allow Dayco, or its agent, to exercise its state law remedies with respect to its
 23 Deed of Trust, recorded on August 23, 2005, as Instrument No. 2005-0622541, on real property
 24 commonly known as 10325 Datura Road, Hesperia, California 92345, Assessor's Parcel Nos.
 25 0405-261-17-0-000, 0405-261-18-0-000, 0405-261-27-0-000, and 0405-261-29-0-000, legally
 26 described as the South half of the Southwest quarter of the Northeast quarter of the Northwest
 27 quarter of Section 13, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of
 28 Hesperia, County of San Bernardino, California, according to the Official Plat thereof.

IT IS FURTHER ORDERED that Dayco's Motion for Relief from the Automatic Stay is
 GRANTED and the automatic stay of Bankruptcy Code § 362(a) shall be vacated effective

KOLESAR & LEATHAM, CHTD.

3320 West Sahara Avenue, Suite 380

Las Vegas, Nevada 89102

Tel: (702) 362-7800 / Fax: (702) 362-9472

1 March 1, 2007, to allow Dayco, or its agent, to exercise its state law remedies with respect to its
 2 Deed of Trust, recorded September 14, 2005, as Instrument No. 2005-0685512, on real property
 3 commonly known as 10375 Baldy Lane, Hesperia, California 92345, Assessor's Parcel No. 0405-
 4 261-28 and is legally described as the North one-half of the Southeast one-quarter of the Northeast
 5 one-quarter of the Northwest one-quarter of Section 13, Township 4 North, Range 5 West, San
 6 Bernardino Meridian, in the County of San Bernardino, State of California, according to the
 7 Official Plat thereof.

8 IT IS FURTHER ORDERED that this Order granting Dayco's Motion for Relief from the
 9 Automatic Stay shall remain effective in the event that the above-captioned case is dismissed and
 10 re-filed or converted to Chapter 7.

11 APPROVED / DISAPPROVED:

12 LEWIS & ROCA, LLP

13 /s/ Susan M. Freeman, Esq.

14 Susan M. Freeman, Esq.
 15 Rob Charles, Esq.
 16 Scott K. Brown, Esq.
 17 3993 Howard Hughes Parkway, #600
 18 Las Vegas, NV 89169-0961
 19 Attorneys for Official Committee of
 20 Unsecured Creditors

21 APPROVED / DISAPPROVED:

22 U.S. TRUSTEE By *B42*

23 *No Opposition - Scott Farrow*
 24 August B. Landis, Esq.
 25 U.S. Department of Justice
 26 Foley Federal Building
 27 300 Las Vegas Blvd., South, Suite 4300
 28 Las Vegas, NV 89101
 Attorney for U.S. Trustee

APPROVED / DISAPPROVED:

RAY, QUINNEY & NEBEKER P.C.

No Response

Annette W. Jarvis, Esq.
 Steven C. Strong, Esq.
 Douglas M. Monson, Esq.
 Elaine A. Monson, Esq.
 Steven T. Waterman, Esq.
 36 South State Street, Suite 1400
 P.O. Box 45385
 Salt Lake City, UT 84145-1500
 and
 Lenard E. Schwartz Esq.
 Jeanette E. McPherson, Esq.
 SCHWARTZER & MCPHERSON LAW FIRM
 2850 S. Jones Boulevard, #1
 Las Vegas, NV 89146
 Attorneys for Debtors

KOLESAR & LEATHAM, CHTD.
 3320 West Sahara Avenue, Suite 380
 Las Vegas, Nevada 89102
 Tel: (702) 362-7800 / Fax: (702) 362-9472

1 In accordance with Local Rule 9021, the undersigned certifies:

2 ☐ The Court waived the requirements of LR 9021;

3 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who
4 appeared at the hearing regarding this matter and/or who filed a written objection and each
has:

5 ☐ approved the form of this order;

6 ☐ waived the right to review the order;

7 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or

8 ☒ failed to sign and return this proposed order within five (5) business days in accordance
9 with LR 9021(b)

10 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who
11 appeared at the hearing regarding this matter and/or who files a written objection and all have
12 either approved the form of this order, waived the right to review the order, failed to file and
serve papers in accordance with LR 9021(c) and the following have disapproved the form of
this order;

13 ☐ No opposition was filed to the motion (Notice of Default) and no other party or counsel
14 appeared at the hearing (none required).

15 **SUBMITTED BY:**

16 /s/ Nile Leatham, Esq.

17 Andrew K. Alper, Esq.

18 California Bar No. 088876

19 **FRANDZEL ROBINS BLOOM & CSATO, L.C.**

20 6500 Wilshire Boulevard

Seventeenth Floor

21 Los Angeles, California 90048-4920

and

22 Nile Leatham, Esq.

Randolph L. Howard, Esq.

23 **KOLESAR & LEATHAM, CHTD.**

3320 West Sahara Avenue, Suite 380

24 Las Vegas, Nevada 89102

Attorneys for Creditor

25 **DAYCO FUNDING CORPORATION**

26 ###

27 *In re USA Commercial Mortgage Company, et al./Case No. BK-S-06-10725-LBR*

28 Order Granting Dayco Funding Corporation's Motion for Relief From the Automatic Stay

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Las Vegas, Nevada 89102

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